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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/619,091	07/14/2003	William R. Schmeling	19596-0541 (45738-286749)	8595
23370	7590	12/27/2007	EXAMINER	
JOHN S. PRATT, ESQ KILPATRICK STOCKTON, LLP 1100 PEACHTREE STREET ATLANTA, GA 30309			HYUN, PAUL SANG HWA	
			ART UNIT	PAPER NUMBER
			1797	
			MAIL DATE	DELIVERY MODE
			12/27/2007	PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/619,091

Applicant(s)

SCHMELING, WILLIAM R.

Examiner

Paul S. Hyun

Art Unit

1797

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 October 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 2,4,5,16 and 24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 2,4,5,16 and 24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

REMARKS

The R.C.E. filed by Applicant has been acknowledged. Claims 2, 4, 5, 16 and 24 are currently pending.

Applicant's argument with respect to the new matter objection cited in the Advisory action mailed on 8/21/07 is persuasive. Therefore, the objection has been withdrawn.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

Claims **2, 16 and 24** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrier et al. (US 6,197,598 B1).

Schrier et al. disclose a device for analyzing blood. The device comprises two rectangular shaped test strips (see Fig. 6). The first test strip 202 comprises a porous pad 206 configured to receive a sample. The second test strip 204 comprises a chromatographic medium 208 configured to contact the porous pad such that the sample is applied to the chromatographic medium. The contact is achieved by sandwiching the two strips together such that the test strips adopt a

specific spatial alignment with respect to one another. Schrier et al. disclose that the sandwiching of the two strips can be facilitated by using a magnetic force (see lines 6-15, col. 23). The method disclosed by Schrier et al. differs from the claimed method in that Schrier et al. do not explicitly disclose the location of the magnetic material with respect to the test strips.

Although Schrier et al. do not disclose the location of the magnetic material with respect to the test strips, it would have been obvious to one of ordinary skill in the art to place a magnetic material near an edge of each test strip given that the middle of the test strips comprise absorbents. Moreover, it would have been obvious to place the magnetic material near one of the short edges of each test strip, instead of one of the long edges, to facilitate the separation of the test strips.

Claims **4 and 5** are rejected under 35 U.S.C. 103(a) as being unpatentable over Schrier et al. in view of Hegedus (US 3,384,093).

Schrier et al. do not disclose that the magnetic material attached to each test strip is in the form of a tape.

Hegedus et al. disclose a filing card cabinet wherein each filing card comprises a metallic strip 6. The metallic strip enables the filing cards to be manipulated by a magnet.

In light of the disclosure of Hegedus et al., it would have been obvious to one of ordinary skill in the art to make the magnetic material affixed to the test

strips disclosed by Schrier et al. in the form of metallic strips since metallic strips are thin, and are well suited for attaching to flat articles.

It also would have been obvious to one of ordinary skill in the art to form the metallic strip out of a ferromagnetic material since iron is abundant and well-known to be responsive to magnetic fields.

Response to Arguments

Applicant's arguments with respect to the art rejections have been considered but are moot in view of the new grounds of rejection.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul S. Hyun whose telephone number is (571)-272-8559. The examiner can normally be reached on Monday-Friday 8AM-4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Jill Warden can be reached on (571)-272-1267. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

PSH
12/21/07

A handwritten signature in black ink, appearing to read "Brian Sines", with a large, stylized loop at the end of the signature.

BRIAN SINES
PRIMARY EXAMINER